

This Page Is Inserted by IFW Operations  
and is not a part of the Official Record

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning documents *will not* correct images,  
please do not report the images to the  
Image Problem Mailbox.**



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,762	10/19/2000	Donna Galvin	281241-00001-2	2036

29694 7590 02/20/2003

PIETRAGALLO, BOSICK & GORDON  
ONE OXFORD CENTRE, 38TH FLOOR  
301 GRANT STREET  
PITTSBURGH, PA 15219-6404

EXAMINER

WALSH, JOHN B

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 02/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/692,762

Applicant(s)

GALVIN, DONNA

Examiner

John B. Walsh

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 35 and 38-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 50-52 is/are allowed.
- 6) ☒ Claim(s) 35, 38 and 42-46 is/are rejected.
- 7) ☒ Claim(s) 39-41 and 47-49 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 43 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,974,884 to Dietrich.

Dietrich '884 discloses a dead bolt (36) movable to an extended position in which the dead bolt automatically locks against retraction when end pressure is applied to the dead bolt (if pressure were applied to the deadbolt as shown in figure 7 the bolt would be blocked from retraction due to 22 engaging 54), a partially retracted position (position between figure 3 and 7) and a fully retracted position (figure 7); a first spring (30) biasing the dead bolt toward the extended position; and restraint means including a second latch (24) for manually securing the dead bolt in the fully retracted position (holds bolt in retracted position).

3. Claims 35, 38 and 42-46 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,636,376 to McConnell.

McConnell '376 discloses a dead bolt/first latch (column 4, lines 26-28) movable to an extended position in which the dead bolt automatically locks against retraction when end pressure is applied to the dead bolt (column 8, line 15), a partially retracted position (position

Art Unit: 3676

between fully extended and fully retracted) and a fully retracted position (figure 4); a first spring (76) biasing the dead bolt toward the extended position; and restraint means including a second latch (25) for manually securing the dead bolt in the fully retracted position (may engage a keeper/tooth on 24 when the bolt is in the fully retracted position).

As concerns claim 42, the first latch is a dead bolt (column 4, lines 26-28).

As concerns claims 35 and 44, actuator bar means (handle; figure 7) for manually retracting the dead bolt to the fully retracted position upon rotation of the actuator bar means, and the restraint means comprises means for substantially preventing rotation of the actuator bar means (24) when the dead bolt is in the fully retracted position.

As concerns claims 35 and 45, the restraint means comprises a keeper (24; gap between gear teeth) mounted for rotation with the actuator bar means which receives the second latch when the dead bolt is in the fully retracted position.

As concerns claims 38 and 46, a manually operable button (top end of 25; figure 7) connected to the second latch.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 43 and 44 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 3676

*Allowable Subject Matter*

5. The indicated allowability of claims 35, 38, 42, 45 and 46 are withdrawn in view of the newly discovered reference(s) to U.S. Patent No. 2,636,376 to McConnell. A Rejection based on the newly cited reference is found above.

6. Claims 50-52 are allowed.

7. Claims 39-41 and 47-49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is an examiner's statement of reasons for allowance: McConnell '376 does not teach or disclose a second spring for biasing the second latch away from engagement with the keeper.

Wang '919 discloses a second latch 24 which does not restrain 34 from being turned, only restrains an outside key lock from operating the bolt (column 3, lines 48-57).

Baker '535 does not secure the bolt in the retracted position, only the extended position.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3676


***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 703-305-0444. The examiner can normally be reached on Monday-Friday from 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-872-9325.

  
Anthony Knight  
Supervisory Patent Examiner  
Technology Center 3670

JW  
February 11, 2003